

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ni et al.

Application Serial No.: 10/041,574

Art Unit: 1646

Filed: January 10, 2002

Examiner: O'Hara, E.

For: Human Tumor Necrosis Factor
Receptor TR9

Attorney Docket No.: PF375P1D1

**STATEMENT BY ATTORNEY FOR APPLICANTS REGARDING PERMANENCE AND
AVAILABILITY OF DEPOSITED PLASMIDS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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OCT 22 2003

TECH CENTER 1600/2900

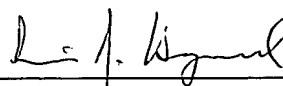
The undersigned attorney of record hereby states:

1. A plasmid containing human cDNA encoding a Human Tumor Necrosis Factor Receptor TR9 polypeptide was deposited under the terms of the Budapest Treaty on May 15, 1997 at the American Type Culture Collection (ATCC), Patent Depository, 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given accession number 209037.

2. Assurance is hereby given that: (1) the deposit was made under terms of the Budapest Treaty; (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposit will be irrevocably removed upon the granting of a patent from the captioned application; (3) the deposit has been made under conditions such that access to the material will be available during the pendency of the captioned patent application to one determined by the Commissioner; and (4) the deposit will be maintained with the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposit, and in any case, for a period of at least thirty years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

Respectfully submitted,

Date: October 15, 2003



Lin J. Hymel (Reg. No. 45,414)
Attorney for Applicants



Use in lieu of PTO/SB/17 (08-03)
(Form updated to reflect FY 2004 fees effective 10/1/03)

FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2003, Patent fees are subject to annual revision.</small>		Complete if Known		
		Application Number	10/041,574-Conf. #7011	
		Filing Date	January 10, 2002	
		First Named Inventor	Jian Ni	
		Examiner Name	E. O'Hara	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1646	
TOTAL AMOUNT OF PAYMENT (\$)		110.00	Attorney Docket No.	PF375P1D1

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Deposit Account:	
Deposit Account Number	08-3425
Deposit Account Name	Human Genome Sciences, Inc.
The Director is authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	

FEE CALCULATION				
1. BASIC FILING FEE				
Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee
SUBTOTAL (1)				(0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				
Total Claims	101	-105** =		
Independent Claims	4	-8** =		
Multiple Dependent				
Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)				
3. ADDITIONAL FEES				
Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)		1814	Statutory Disclaimer	110.00
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)
				110.00

SUBMITTED BY		(Complete (if applicable))	
Name (Print/Type)	Lin J. Hymel	Registration No. (Attorney/Agent)	45,414
Signature	<i>Lin J. Hymel</i>	Telephone	(301) 251-6015
		Date	October 15, 2003